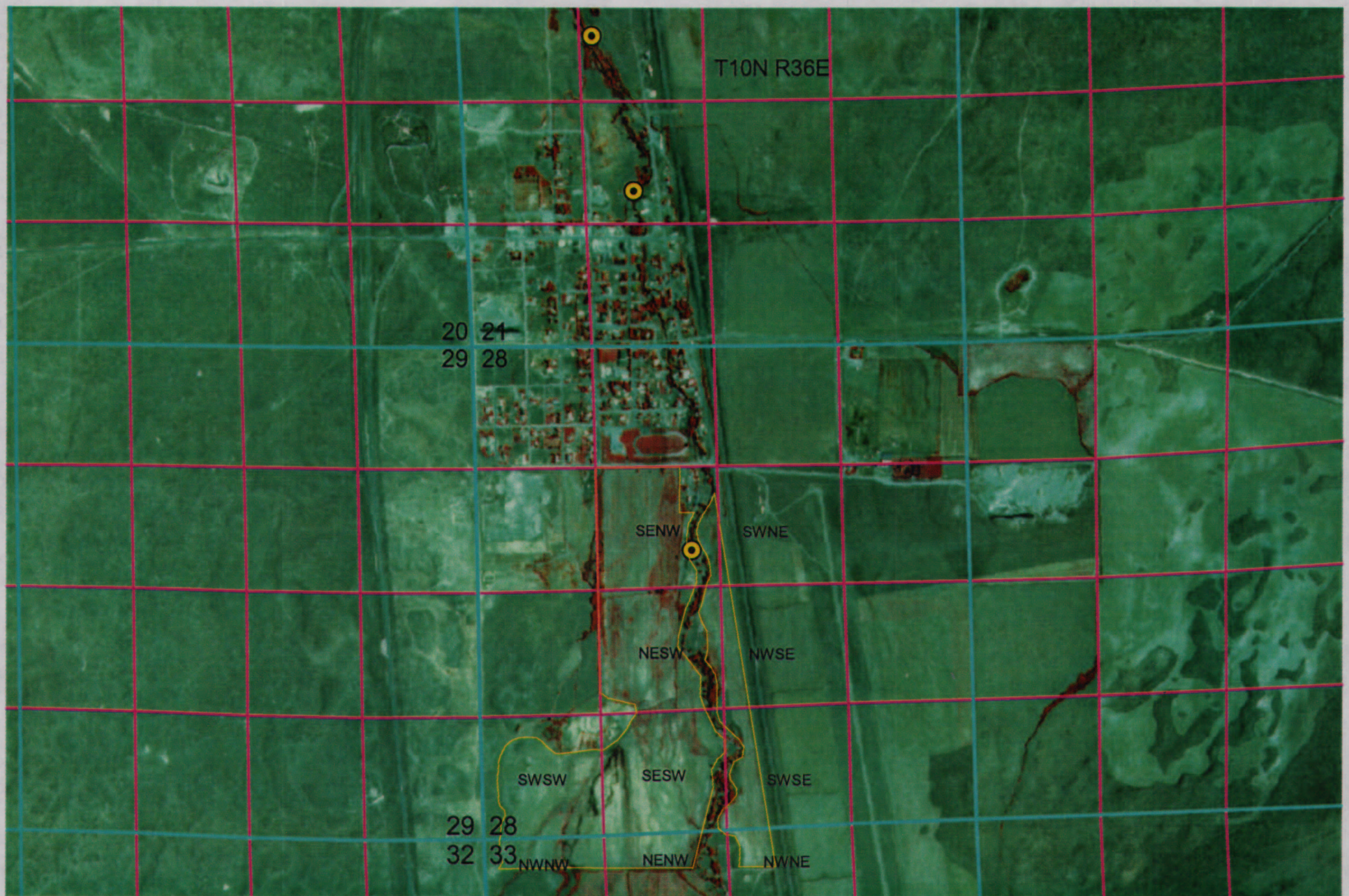




STATE OF IDAHO

Department of Water Resources

Water Right(s): 31-117
31-118A
31-119
31-122A

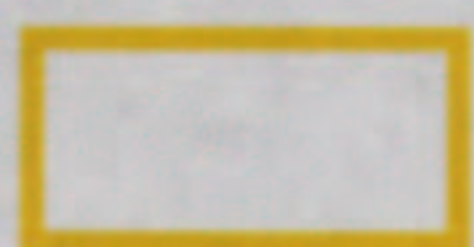


0 1320 2640 3960 5280 6600 Feet

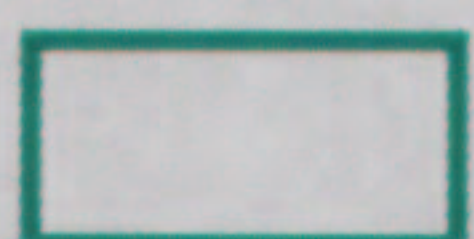
LEGEND



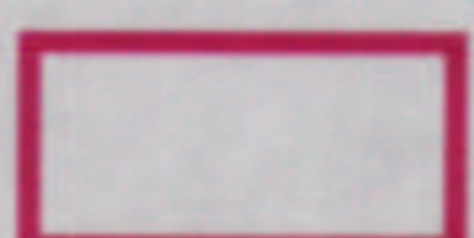
Point of Diversion



Place of Use



Section Line



Quarter-section line

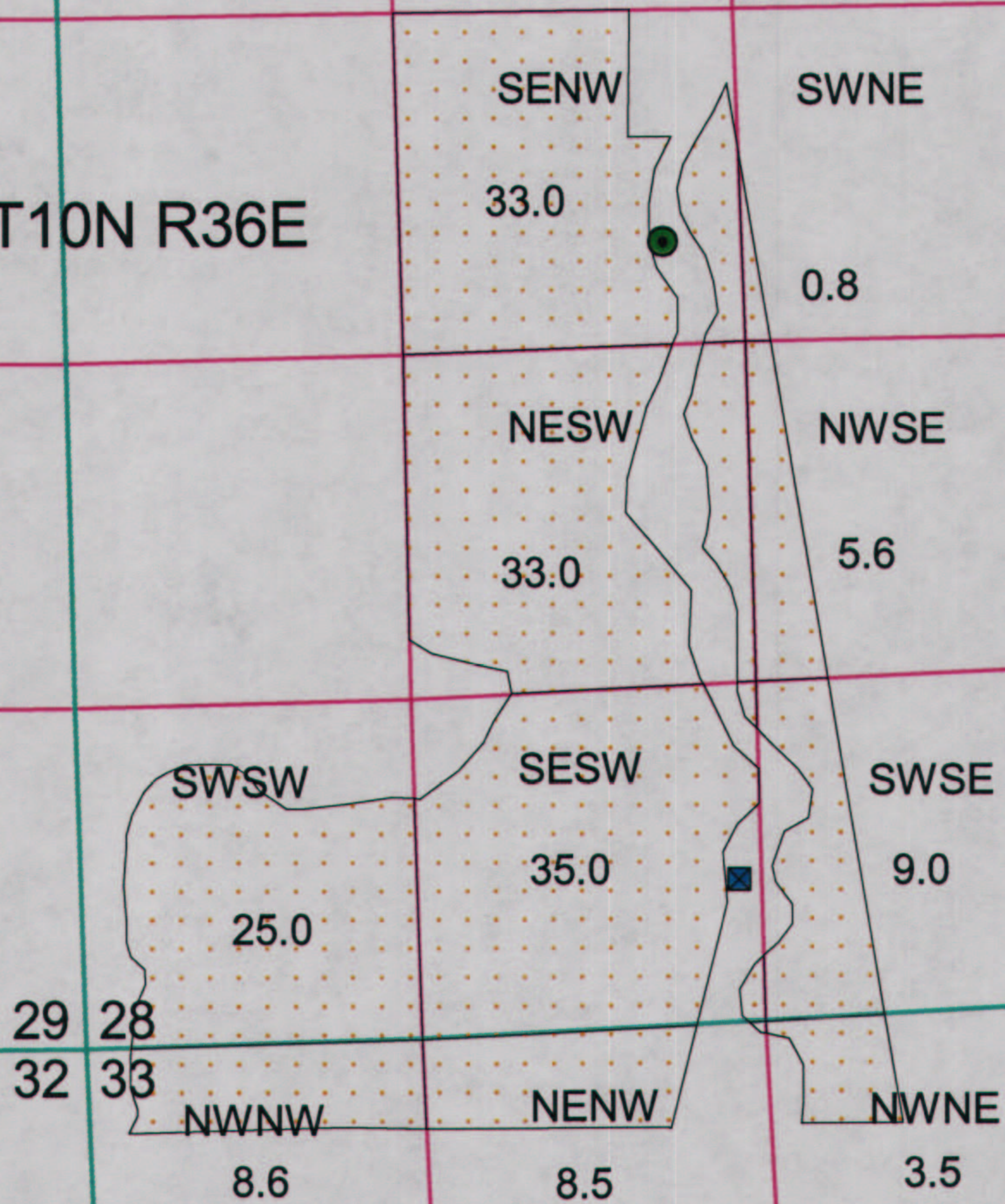
Acres Irrigated = 162



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: December 2000

31-117, 31-118A, 31-119, 31-122A

T10N R36E



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-122A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROY LAIRD RANCHES
Current Owner	VALERIA MAXWELL
	PO BOX 194
	DUBOIS, ID 83423
	(208)374-5563
Current Owner	JUDITH A WAGONER
	3700 BROOKFIELD LN
	IDAHO FALLS, ID 83406
	(208)524-1346
Original Owner	JAMES LAIRD
	X
	X, ZZ 0

Priority Date: 05/01/1894
Basis: Decreed
Status:

<u>Source</u>	<u>Tributary to</u>
BEAVER CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.95 CFS		
Total Diversion			1.95 CFS		

Location of Point(s) of Diversion:

BEAVER CREEK	SWSW	Sec. 21	Township 10N	Range 36E	CLARK County
BEAVER CREEK	SWNE	Sec. 21	Township 10N	Range 36E	CLARK County
BEAVER CREEK	SESE	Sec. 28	Township 10N	Range 36E	CLARK County

IRRIGATION Use:
Acre Limit: 162

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CLARK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	36E	28		SWNE	0.8									
				SENE	33									
				NESW	33		SWSW	25		SESE	35			
				NWSE	5.6		SWSE	9						
		33		NWNE	3.5									
				NENE	8.5		NWNW	8.6						

Total Acres: 162

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 162 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-117, 31-118A, 31-119 & 31-122A.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.41 CFS. COMBINED RIGHT NOS.: 31-117, 31-118A, 31-119 & 31-122A.

Dates:

Licensed Date:
 Claim Received Date: 06/13/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	1/4/01 11:41:06 AM	ECarlsen			In Process
POU	1/4/01 12:08:42 PM	ECarlsen			In Process
Priority Date	1/4/01 11:31:54 AM	ECarlsen			In Process
Quantity	1/4/01 12:03:56 PM	ECarlsen			In Process
Season	1/4/01 12:01:20 PM	ECarlsen			In Process
Source	1/4/01 11:33:30 AM	ECarlsen			In Process
Use	1/4/01 11:59:16 AM	ECarlsen			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 31
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	1/4/01 11:53:58 AM	ECarlsen	Edited point location
POD	1/4/01 11:51:54 AM	ECarlsen	Edited point location
POD	1/4/01 11:49:49 AM	ECarlsen	Edited point location
POD	1/4/01 11:41:04 AM	ECarlsen	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (NO) The file does not contain all the necessary information to verify the POD. Comment for 6: Field inspection conducted December 12, 2000. 7. (NO) A transfer was not filed. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.

POU	1/4/01 12:08:39 PM	ECarlsen	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: Transfer in place of use occurred in the 1950's when the City of Dubois acquired a portion of the place of use without any of the water right. Claimants predecessor reduced pou to present location at that time. 9. (NO) The file does not contain all the necessary information to verify the POU. Comment for 9: Conducted field investigation December 12, 2000. Also used 1987 NAPP to identify field boundaries.
Priority Date	1/4/01 11:31:49 AM	ECarlsen	12. (YES) POU remark was required. 13. (NO) POU condition was not required. 1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	1/4/01 12:03:50 PM	ECarlsen	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	1/4/01 12:01:16 PM	ECarlsen	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (NO) The file does not contain all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	1/4/01 11:33:28 AM	ECarlsen	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	1/4/01 11:59:13 AM	ECarlsen	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (YES) Purpose of Use remark was required. 12. (NO) Purpose of Use condition was not required.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-122A
Date Received: 6/13/00
Receipt No:
Received By: *EO 26336*
gc

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

VALERIA MAXWELL Phone: (208)374-5563

PO BOX 194
DUBOIS ID USA 83423

JUDITH A WAGONER Phone: (208)524-1346

3700 BROOKFIELD LANE
IDAHO FALLS ID USA 83406

ROY LAIRD RANCHES Phone: (208)374-5563

PO BOX 194
DUBOIS ID USA 83423

2. Date of Priority: 05/01/1894

3. Source: BEAVER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
10N	36E	28	SE SE NW	CLARK
10N	36E	21	SW NE SW	CLARK
10N	36E	21	SW SE NW	CLARK

5. Description of diverting works:

2 DAMS WITH HEADGATES (P/D #1 & #2), HEADGATE P/D #3,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.95	

7. Total Quantity Appropriated is:
1.95 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	36E	28	SW	NE	IRRIGATION	0.9
			SE	NW	IRRIGATION	30
			NE	SW	IRRIGATION	31
			SW	SW	IRRIGATION	36
			SE	SW	IRRIGATION	35
			NW	SE	IRRIGATION	5.5
			SW	SE	IRRIGATION	8
Section Acres						146.4
10N	36E	33	NW	NE	IRRIGATION	3.2
			NE	NW	IRRIGATION	8.7
			NW	NW	IRRIGATION	11
Section Acres						22.9
Total Acres						169.3

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Justith Nguyen

Date:

11/22/00

Date:

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

_____, that I have signed the foregoing

Organization document in the space below as _____ of

_____, Title and that the statements contained in the

Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

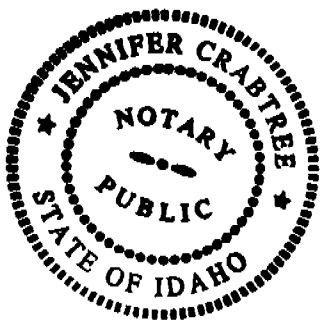
22nd

of Nov 2000

Jennifer Crabtree
Notary Public

Residing at Idaho Falls ID

My commission Expires 9/23/03



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-00122A**
Date Received: 6/14/1988
Receipt No: 5025899
Received By: EMC.

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ROY LAIRD RANCHES 208-374-5563
Address: PO BOX 194
DUBOIS ID 83423
OR
Name: JUDITH A WAGONER 208-524-1346
Address: 3700 BROOKFIELD LANE
IDAHO FALLS ID 83406
OR
Name: VALERIA MAXWELL 208-374-5563
Address: PO BOX 194
DUBOIS ID 83423

2. Date of Priority: MAY 1, 1894

3. Source: BEAVER CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	36E	4	SE	NE	SW		CLARK
		21	SW	SE	NW		CLARK
			SW	NE	SW		CLARK
		28	SE	SE	NW		CLARK

5. Description of diverting works:

2 DAMS WITH HEADGATES (P/D #1 & #2), HEADGATE P/D #3, PUMP P/D #4

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.950		
STOCKWATER	04/15	10/15	0.090		

7. Total Quantity Appropriated is:

1.950 C.F.S. (and/or)

A.F.A.



8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER/ 400 HEAD CATTLE USE WATER FROM P/D IN SEC. 4.

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10N	36E	4	NE	SE		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		28	SW	NW		IRR	1.0
			SE	NW		IRR	20.0
			NE	SW		IRR	20.0
			NW	SW		IRR	2.0
			SW	SW		IRR	28.0
			SE	SW		IRR	36.0
			NW	SE		IRR	1.0
			SW	SE		IRR	1.0
						Section Acres	109.0
		33	NW	NE		IRR	2.0
			NE	NW		IRR	6.0
			NW	NW		IRR	7.0
						Section Acres	15.0
11N	36E	33	SW	SE		STOCK	
						Total Acres	124.0

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

31-0117, 31-0119, 31-0120, 31-0122

14. Remarks:

TRANS. 1988 ON WATER RIGHT 31-0118.

P/D FOR STOCK NESW, S4, T10N, R36E.

THIS CLAIM IS BASED ON WATER RIGHTS NUMBERS 31-0118 AND 31-0122.

CHANGED ADDRESS PER REQUEST CV/06-13-00

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Debra J. McQuinn* Date: 6/13/2000

Justin A. McQuinn Date: 6/13/2000

State of Idaho

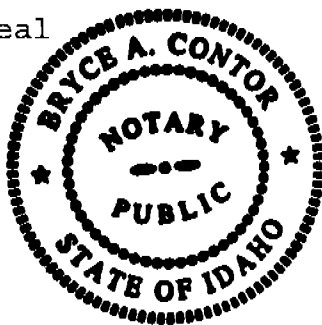
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13 day

of June 20 00

Bryce A. Contor
Notary Public

Seal



Residing at Mud Lake ID

My Commission Expires 10/14/2005



STATE OF IDAHO

Department of Water Resources

Water Right(s): 31-117
31-118A
31-119
31-122A



0 1320 2640 3960 5280 6600 Feet

LEGEND



Point of Diversion

Place of Use

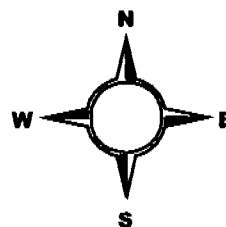


Section Line



Quarter-section line

Acres Irrigated = 162



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlson
Date: December 2000

RECEIVED

01/16/2001

FEB 09 2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-122A

ROY LAIRD RANCHES
VALERIA MAXWELL

PO BOX 194
DUBOIS, ID 83423

Daytime Telephone Number: (208)374-5563

Evening Telephone Number:

JUDITH A WAGONER
3700 BROOKFIELD LN
IDAHO FALLS, ID 83406

Daytime Telephone Number:

Evening Telephone Number: (208)524-1346

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

Feb 9, 01

SIGNATURE:

Valeria J. Maxwell

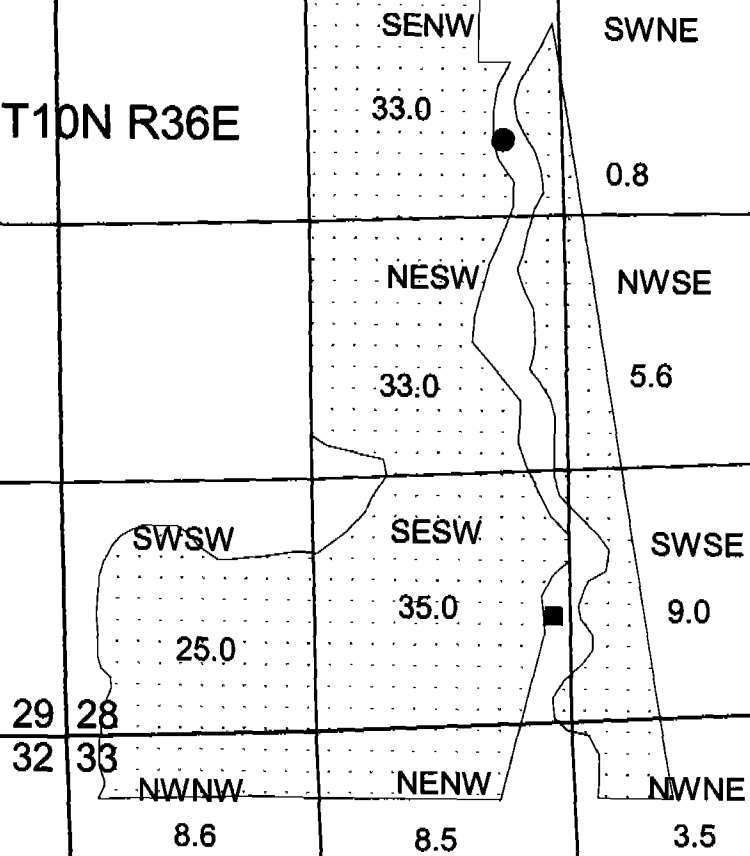
Please print your name:

Valeria J. Maxwell

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161

31-117, 31-118A, 31-119, 31-122A

T10N R36E



James Laird

1892 - September 10 31-0121 ✓ 4.44 c.f.s.

1894 - May 1 31 ✓ 122 2.75 c.f.s.

1910 - May 2 31 123 ✓ 1.6 c.f.s.

Trans. No. 591 - 8/10/1892 - 3.6 c.f.s. - Dubois.
- .80 c.f.s. - Grover

TRANS 6031

31-00122 - 1.95 c.f.s. Laird
31-00122 - .80 c.f.s. Golden Eagle

31-00123 .80 Grover
.80 Golden Eagle

Source: Dry Creek (otherwise known as Beaver Creek).

Points of Diversion: (1) A point on the West side of the main channel of Dry Creek about 10 rods South of the Northeast corner of Tract 4 described below. (2) Situate on the West side of the main channel of Dry Creek at a point about 9 rods North of the point where the main East-and-West street of the Village of Dubois crosses said creek, said point being about a half mile North of the North line of Tract 4, described below, and being about the center of the Village of Dubois, and opposite the point where the O.E.L. Railroad Company diverts and pumps water from said stream at this time. (3) Situate on the East side of the main channel of Dry Creek, approximately three-fourths of one mile North of the Northeast corner of Tract 4, described below.

For use on the following described land, to-wit:

Tract 1. The Northwest Quarter of the Northwest Quarter of Section 27, Township 10 North, Range 36 East, E. M.

Tract 2. The Northeast Quarter of the Northeast Quarter of Section 28, township and range aforesaid, containing 40.4 acres.

Tract 3. Commencing at the Southeast corner of Section 28, township and range aforesaid; thence North along the section line to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 28; thence West 1262'; thence South 8°15' East to intersect the South section line of said Section 28; thence East 1009' to the place

of beginning, -- excepting therefrom the following described land; Starting from a point where join the corners of Sections 21, 22, 27, and 28 of Township 10 North, Range 36 East, T. 10 N., R. 36 E., Idaho, (bears North $0^{\circ}37'$ West); running South on the dividing line between Sections 27 and 28, 1243 feet to place of beginning; thence South $89^{\circ}23'$ West, 805 feet; thence $0^{\circ}37'$ South 212.5 feet; thence North $89^{\circ}23'$ East 805 feet; thence $0^{\circ}37'$ North 212.5 feet to place of beginning; containing (after excluding said exception) 100.46 acres.

Tract 4. Commencing at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 28, Township 10 North, Range 36 East, T. 10 N., R. 36 E., (designated as Point No. 1); thence East 23' South 974 feet (designated as Point No. 2); thence South 30° East 247 feet (designated as Point No. 3); thence East 67 feet (designated as Point No. 4); thence South 5° West 193 feet (designated as Point No. 5); thence South 77° West 147 feet (designated as Point No. 6); thence South $4^{\circ}15'$ West 515 feet (designated as Point No. 7); thence South 10° East 324 feet (designated as Point No. 8); thence South $85^{\circ}15'$ West 839 feet (designated as Point 9); thence North 26° West 1384 feet to the place of beginning, -- containing 27.8 acres.

Tract 5. Commencing at the Northeast corner of Section 33, Township 10 North, Range 36 East, T. 10 N., R. 36 E., running thence South on the section line 1320 feet; thence West 940 feet; thence North $8^{\circ}15'$ West to intersect the section line between said Sections 33 and 28; thence East 1009 feet to the place of beginning, -- containing 29.53 acres.

Tract 6. The South Half of the
NW Section 33.

James Laird

(continued)

Township 10 North, Range 36 East, B. M., and a tract described by metes and bounds as follows: Commencing at the Northwest corner of the South Half of the Northwest Quarter of Section 33, Township and Range aforesaid; thence North on section line 987 feet; thence East 3111 feet to intersect the public roadway; thence in a southeasterly direction along the West line of said public roadway to intersect the South line of the Northwest Quarter of the Northeast Quarter of Section 33; thence West 3224 feet to the place of beginning, -- containing 153.18 acres.

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Valeria Maxwell 208, 374-5563
Name of Claimant Phone Number

PO Box 194 Dubois ID 83423
Mailing Address City State Zip

Clark 1988
County(s) where place of use is located Date claim originally due

A31-00122A
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The quantity of water for this right was included in
A31-00118. We are filing this right at this time
to correct the error.

Claimant requests an extension to June 13, ~~19~~ 2000
Valeria J. Maxwell June 13, 19 2000
Signature Date of request

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [x granted] [____ denied] for the following reasons:

A31-00118 was timely filed.

and if granted the filing deadline is extended to June 13, ~~19~~ 2000

Signed this 13 day of June, ~~19~~ 2000.

Ernest Carlson
Director or his designated agent

Water Rights Supervisor

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706